

## REMARKS

Claims 1- 21 are pending.

Claims 12-17 and 21 are withdrawn.

Claims 1-10, 13 and 18-20 are rejected.

### **35 USC 102(b)**

Claims 1,3, 5 and 18-20 are rejected under 35 USC 102(b) as being anticipated by Brink, US 4,384,897.

The Applicants believe Brinks to not anticipate.

Firstly, on page 14, point 32, the examiner alleges that “the salts that are added to the system of Brink form charged microparticulate material, which aids in flocculation.” This is only true so far as the flocculant precipitates are microparticulate material.

The Agents having flocculating activity described by Brink are ferric and aluminum ions (see Col. 2, lines 1-5). Based on Col. 11, lines 23-30 it is evident that ferric or aluminum nitrate, sulfate or acetate is added in dissolved form, i.e. in charged form. Entering into the neutralization unit, where metallic ions will be precipitated as the hydrous oxides, this precipitate of hydrous oxides serves to flocculate solids suspended in the liquid. This precipitate is non-charged thus does not meet the limitations of claim 1 which reads that the one or more flocculating agent(s) may be selected from charged microparticulate material.

Secondly, claim 1 also differs from Brinks in that the flocculating agents are added in step (iii) and/or (vi) to an acidified mixture due to the action of an acid in the respective steps (ii) and (v) which precede steps (iii) and/or (vi).

In the office communication under points 35) and 36) on pages 15-16, the examiner is of the opinion that the present claim 1 also comprises an embodiment wherein there may be flocculation of solids after neutralization of the acid and wherein the optional washing step is not performed.

While steps (iv) and (vii) are optional, it is clear, that only after applying such steps an acid free neutralized medium might be obtained. In particular, this means, as steps (iii) and (vi) are carried out before optional steps (iv) and (vii), flocculation always occurs in an acidic medium, in contrast to Brink.

And lastly, under point 37), the examiner alleges that Brink is directed to the flocculation of finely dispersed solid residue

However, the solids to be flocculated result from neutralization in unit 156 (see col. 11, lines 10-12 and 20-42). Referring to figure 4 and col. 5, lines 30-38 and col. 5, line 61 to col. 6, line 2 the hydrolysate leaves stage I hydrolysis unit 130 through line 155 and enters the neutralization unit 156, whereas the effluent material, both solid and liquid, leaves 130 through line 136. Thus in Brinks the effluent material is separated from the neutralization unit before the alleged flocculation takes place in the neutralization unit.

In contrast, the solid residue of the claimed invention results from the acid hydrolysis in step (ii) or (v) and comprises the direct residue which has not been hydrolyzed. This solid residue corresponds to the solid effluent material, which is separated in the stage I hydrolysis unit of the process of Brinks.

Hence, the presently claimed invention differs in at least three aspects from Brinks as described above. Thus there can be no anticipation by Brinks.

### **35 USC 103(a)**

Claims 4, 6 and 7 are rejected under 35 USC 103(a) as being unpatentable over Brink, US 4,384,897 in view of Brelsford, US 5,411,594.

Claims 8-10 and 13 stand rejected under 35 USC 103(a) as being unpatentable over Brink in view of Kuo, US 5, 529,699.

As Brinks is clearly very different to the process of the present invention (in at least 3 aspects) and neither Brelsford or Kuo makes up for Brink's deficiencies, the combination cannot be obvious.

### **Double Patenting**

Claims 1-3, 5, 8-10 and 13 and 18-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 5, 7, 8, 10 and 11 of copending Application NO. 10/523,229 in view of Brink.

Claims 1-10, 13, and 18-20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 4, 5, 7, 8, 10 and 11 of copending Application No. 10/523,229 in view of Brink and further in view of Brelsford,

Both of the above obviousness double patenting rejections require the Brinks reference. As argued above Brinks does not make obvious the present claims. Thus the double patenting rejection is overcome.

Reconsideration and withdrawal of the rejection of claims 1-10, 13 and 18-20 is respectfully solicited in light of the remarks and amendments *supra*.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1-10, 13 and 18-20 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Ciba Specialty Chemicals Corporation  
540 White Plains Road  
Tarrytown, New York 10591  
(914) 785-2768  
SAL\ 22332FR.doc

Shiela A. Loggins  
Agent for Applicants  
Reg. No. 56,221